

Probate Notes for December 16, 2014

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

Please note: The following probate matters will be heard in **Department Two at 9:00 a.m.**

CASE: Conservatorship of Pierson
Case No. CV PB 06-95

It is recommended to deny the petition for an order broadening the legal capacity of conservatee, Alexander S. Pierson. (Prob. Code, § 1873.) Petitioner fails to provide sufficient evidence to support his petition. (Decl. of Alexander Shea Pierson filed on October 3, 2014; Decl. of William D. Kopper filed on October 3, 2014.)

It is recommended to grant in part the petition for an order for a substituted judgment to amend the Pierson Revocable Trust 2010 ("Trust"). Co-conservators, John R. Pierson and Tamara J. Pierson, are directed to modify Paragraph 2 of Article III of the Trust, by changing the named beneficiaries to conservatee's wife, Summer Renee Pierson, and his daughter, Alexis Shea Pierson. (Prob. Code, §§ 2580, 2583.) It is recommended to deny the remainder of the petition.

Conservatee's counsel is directed to submit a proposed order and a proposed Trust amendment, in accordance with the above recommendations and direction, prior to time of the hearing.

It is recommended to deny the petition for an order directing the trustee to pay the conservatee an allowance of \$500 per week on an interim basis. (Prob. Code, §§ 1871, subd. (a), 2421.) Petitioner fails to provide sufficient evidence to support his request for a \$500 weekly allowance. (Decl. of Alexander Shea Pierson filed on November 12, 2014; Decl. of William D. Kopper filed on November 12, 2014.)

It is recommended to grant in part the petition for an order directing the trustee to pay all credit card charges. Ms. Griffiths is ordered to pay all credit card charges that were for the conservatee's health, support, comfort, and welfare, as required by the Trust. (Pierson Revocable Trust 2010, Article II, Section 1.)

CASE: Estate of Hewitt
Case No. CV PB 14-76

The Court notes the following deficiency: Petitioner fails to state whether notice was given or was required under Probate Code section 9201.

CASE: Estate of Zamora
Case No. CV PB 11-198

The Court notes the following deficiencies:

1. Petitioner fails to state whether notice was given or was required under Probate Code section 9201.
2. On August 21, 2012, petitioner approved and allowed her own claim of \$555.68 without filing a creditor's claim or obtaining the Court's approval. (Petition, ¶ 7.3.) Court supervision is required for allowance and payments of a claim by the personal representative. (Prob. Code, § 10501, subd. (a)(8).)